

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

Respondent.

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Judge Lester G. Bovia, Jr.

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CONCLUSIONS OF LAW

1. The Department's dismissal order was a final order dismissing Complainant's charge.
2. The Commission has no jurisdiction to consider the *pro se* complaint filed by Complainant.
3. The complaint must be dismissed as a matter of law.

DISCUSSION

Respondent bases its Motion on section 7A-102(G)(1) of the Illinois Human Rights Act, which provides that, upon completing its investigation of the charge, the Department "shall either issue and file a complaint . . . or shall order that no complaint be issued and dismiss the charge with prejudice without any further right to proceed except in cases in which the order was procured by fraud or duress." 775 ILCS 5/7A-102(G)(1). A complainant may appeal a dismissal order by filing a request for review with the Department's Chief Legal Counsel within 30 days of receipt of the dismissal order. 775 ILCS 5/7A-102(C)(4). After the Department dismisses a charge, the Commission has no jurisdiction to consider a complaint based on the allegations in that dismissed charge. Davis and Klines, IHRC, ALS No. 04-483, March 1, 2005.

In this case, Complainant filed her charge on June 22, 2006. The Department dismissed Complainant's charge for lack of substantial evidence on October 19, 2007, and Complainant filed no request for review. Complainant filed her *pro se* complaint based on the allegations in the dismissed charge on December 26, 2007. Because of the Department's dismissal of Complainant's charge, and because Complainant has offered no evidence of fraud or duress, the Commission clearly has no jurisdiction over the complaint. As a result, the complaint must be dismissed as a matter of law.

RECOMMENDATION

Based on the foregoing, the Commission lacks jurisdiction over this matter, and Respondent is entitled to a recommended order of dismissal as a matter of law. Accordingly, it

is recommended that: 1) Respondent's Motion be granted; and 2) the complaint be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

**LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**

ENTERED: April 19, 2010